

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANGLIN AUTOMOTIVE LLC and THOMAS R.
ANGLIN,

Plaintiffs,

-v-

EBF HOLDINGS, LLC, NOVUS CAPITAL FUNDING II
LLC, SILVERLINE SERVICES, INC., MCA
RECEIVABLES, LLC, and FIVE G FUNDING LLC,

Defendants.

CIVIL ACTION NO.: 23 Civ. 1404 (JPC) (SLC)

ORDER

SARAH L. CAVE, United States Magistrate Judge.

On July 14, 2023, the Court directed Plaintiffs to request a certificate of default (the “Certificate”) as to Defendant Five G. Funding LLC (“Five G”) from the Clerk of Court by July 21, 2023, and to file a motion for default judgment (the “Motion”) as to Five G in accordance with the Individual Practices of the Honorable John P. Cronan, Rule 55 of the Federal Rules of Civil Procedure, and S.D.N.Y. Local Rule 55 by no later than August 11, 2023. (ECF No. 41 at 5 ¶ 2 (the “July 14 Order”)). On August 3, 2023, Plaintiffs attempted to request the Certificate, but improperly filed the request as a “motion for entry of default” and without the proposed Certificate. (ECF No. 47 (the “Request”). On August 4, 2023, the Court denied the Request without prejudice as deficient and improperly filed, and directed Plaintiff to re-file the Request as an “Affidavit” and to include a “Proposed Clerk’s Certificate of Default,” pursuant to the Court’s Local Rules by August 8, 2023. (ECF No. 50 (the “Aug. 4 Order) (citing S.D.N.Y. Loc. R. 55.1)). The Court kept in effect Plaintiffs’ August 11, 2023 deadline to file the Motion. (Id.) To date, however, Plaintiffs have failed to properly request the Certificate or to request an extension of time to comply with the July 14 or Aug. 4 Orders.

As a one-time courtesy, the Court sua sponte extends these deadlines, and directs Plaintiffs to request the Certificate by **September 1, 2023**, and to file and serve the Motion by **September 15, 2023**. Instructions for requesting the Certificate can be found on the Court's website at <https://nysd.uscourts.gov/forms/clerks-certificate-default>.

Plaintiffs are warned that failure to comply with the Order may result in an order to show cause why their claims against Five G should not be dismissed for failure to prosecute.

See Fed. R. Civ. P. 41(b).

Dated: New York, New York
August 30, 2023

SO ORDERED.


SARAH L. CAVE
United States Magistrate Judge